



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,085	10/12/2001	Jonathan I. McCormack	TVW/APP33US	1923

59906 7590 08/17/2006

PATTERSON & SHERIDAN, LLP
TVWORKS, LLC
595 SHREWSBURY AVENUE
SUITE 100
SHREWSBURY, NJ 07702

EXAMINER

WON, MICHAEL YOUNG

ART UNIT	PAPER NUMBER
----------	--------------

2155

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/977,085

Applicant(s)

MCCORMACK ET AL.

Examiner

Michael Y. Won

Art Unit

2155

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 15-27.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


SALEH NAJJAR
SUPERVISORY PATENT EXAMINER
SUPERVISORY PATENT EXAMINER

Response to Arguments

1. This is in response to the Amendment After Final filed July 6, 2006 and a telephonic conversation conducted on August 7, 2006 with Mr. Eamon Wall (Reg. No. 39,414). Mr. Walls expressed that the reasoning behind the Advisory Action mailed July 26, 2006 was not proper because the amended limitation of claim 15 was cited in a previously presented dependent claim and therefore did the place a burden on the examiner to further search. The examiner agreed to reevaluate the Amendment After Final and respond to the arguments.
2. Claims 15, 23, and 24 have been amended.
3. Claims 15-27 have been examined and are pending.
4. The applicant(s) argue that Jiang et al (US 6,741,853 B1) does not anticipate claim 15 reproduced below and because the examiner admitted in the previous office action the Jiang does not teach a DTV client that claim 15 is patentable over Jiang under 35 USC 102.

15. (Currently amended) A system, comprising:

a database for storing a digital identity for each of at least two user devices and providing access to the digital identities, wherein one of the user devices is a DTV client;

a command server for storing a plurality of configuration information about each user device and providing access to the configuration information; and

a digital identity server coupled to the database and the command server and including at least two adapters for at least two types of user device, each adapter associated with one of the types of user devices, the adapters for storing a plurality of digital identity data associated with each digital identity, providing access to the digital identity data, and interfacing with each user device, the digital identity server configured for receiving a request from a particular user device via one of the adapters, accessing the digital identity for the particular user device from the database, accessing the configuration information about the particular user device from the command server, applying the configuration information to filter the digital identity, and providing the filtered digital identity to that user device via one of the adapters.

In response, it is noted that the amended limitation was previously presented in claims 23 which was previously rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang et al. (US 6,741,853 B1) in view of Kessler et al. (US 6,621,528 B1). Therefore, by incorporating "wherein one of the user devices is a DTV client" into claim 15 would result in claim 15 being rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang et al. (US 6,741,853 B1) in view of Kessler et al. (US 6,621,528 B1). This rejection is presented below.

As per **claim 15**, Jiang teaches a system, comprising:

a database for storing a digital identity for each of at least two user devices and providing access to the digital identities (see Fig.7, #746: "Directory" and col.9, lines 26-30 & 35-41);

a command server for storing a plurality of configuration information about each user device and providing access to the configuration information (see Fig.7, #732: "PMS"; col.8, lines 57-62; and col.10, lines 18-24); and

a digital identity server coupled to the database and the command server (see Fig.7) and including at least two adapters for at least two types of user device (see Fig.2), each adapter associated with one of the types of user devices (see col.6, lines 48: "users MSs" and col.7, lines 5-7: "allows a plurality of devices to access services and information", 12-17: "provides MS users seamless access to information networks regardless of the type of device available" & 20-23: "plurality of MSs 312 communicating via RF signals 322"), the adapters for storing a plurality of digital identity data associated with each digital identity (see col.9, lines 10-15; col.13, lines 6-8; and col.15, lines 24-28), providing access to the digital identity data (implicit: see col.12, line 67-col.13, line 3), and interfacing with each user device (see col.6, lines 51-55), the digital identity server configured for receiving a request from a particular user device via one of the adapters (see col.11, lines 5-7), accessing the digital identity for the particular user device from the database (see col.11, lines 33-47 & 65-67), accessing the configuration information about the particular user device from the command server, applying the configuration information to filter the digital identity, and providing the filtered digital identity to that user device via one of the adapters (see col.8, lines 57-62 and col.14, lines 32-41).

Jiang does not explicitly teach wherein one of the user devices is a DTV client.

Kessler teaches wherein one of the user devices is a DTV client (see col.4, lines 1-6).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teaching of Kessler within the system of Jiang by implementing a user devices that is a DTV client within the system because Jiang teaches that MS (Mobile Station) can be any wireless device with varying capabilities (see Jiang: col.1, line 21-col.2, line 25) and further adds obvious variations are possible (see Jiang: col.21, lines 3-14). Therefore one of ordinary skill in the art would include DTV to be employed as a client device in the system of Jiang because such implementation would expand the capabilities of the system allowing, "service providers to integrate service offerings as

networks and technologies evolve" (see Jiang: col.6, lines 57-60) wherein Digital Television is an evolution in the television and computing technologies.

5. In response to the applicant(s) argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, even though Jiang does not explicitly teach of televisions, Jiang teaches that the system is a **scalable platform**, allowing **value added services to be added** without hardware and software restructuring... open interfaces to wireless and wireline networks allow service providers to **integrate service offerings** as networks and technologies evolve (emphasis added).

6. For the reason above claim 15 is unpatentable over Jiang et al. (US 6,741,853 B1) in view of Kessler et al. (US 6,621,528 B1) under 35 U.S.C. 103(a). Similarly, claims 15-19 and 23-25 are unpatentable over Jiang et al. (US 6,741,853 B1) in view of Kessler et al. (US 6,621,528 B1) under 35 U.S.C. 103(a). Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang et al. (US 6,741,853 B1) and Kessler et al. (US 6,621,528 B1), further in view of Desrochers (US 6,553,405 B1). Claims 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang

Art Unit: 2155

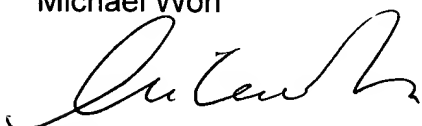
et al. (US 6,741,853 B1) and Kessler et al. (US 6,621,528 B1), further in view of Jindal et al. (US 6,092,178 A).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Won

A handwritten signature in black ink, appearing to read 'Michael Won', with a stylized, flowing script.

August 9, 2006